

Message Text

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INFO OCT-01 EUR-25 ISO-00 SS-20 EB-11 L-03 RSC-01 /061 R

DRAFTED BY PATENT OFFICE/JJSHEEHAN:JB

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

UNCLAS STATE 036794

E.O. 11652, N/A

TAGS: EIND, NL

SUBJECT: INTERNATIONAL PATENT INSTITUTE, REQUEST FOR INFORMATION.

1. THE U.S. PATENT OFFICE IS UNDERTAKING INTERNALLY STUDIES ON THE PATENT COOPERATION TREATY AND WOULD LIKE TO OBTAIN ASAP INFORMATION ON INTERNATIONAL PATENT INSTITUTE (IIB) PRACTICES AND FEES FOR USE IN CONNECTION WITH THIS STUDY. THE EMBASSY IS REQUESTED TO CONTACT THE IIB WITH THE VIEW TO OBTAINING REPLIES TO THE QUESTIONS POSED IN THE FOLLOWING PARAGRAPHS. PLEASE INFORM THE IIB THAT A SIMILAR INQUIRY HAS BEEN SENT TO THE FEDERAL REPUBLIC OF GERMANY PATENT OFFICE.

2. DOES THE IIB CONSIDER THE UNITY OF INVENTION QUESTION WHEN MAKING A SEARCH? IF SO, WHAT FACTORS ARE CONSIDERED IN DETERMINING WHETHER THERE IS UNITY OF INVENTION AND HOW ARE FEES CALCULATED? WHAT ARE THE FEES FOR A SEARCH AT THE IIB?:

1. FOR ONE INVENTION?
2. FOR ADDITIONAL INVENTIONS?

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A) RELATED (E.G., METHOD OF USING)

B) UNRELATED

3. WHAT IS THE IIB POLICY WHERE A BROAD PRODUCT CLAIM IS USED TO LINK THE PROCESS OF MANUFACTURING A PRODUCT AND THE USE OF THE PRODUCT, WHEN THE BROAD PRODUCT CLAIMED IS OBVIOUSLY UNPATENTABLE? CAN ADDITIONAL FEES BE CHARGED FOR SEARCHING MORE THAN ONE INVENTION?

4. WHAT IS THE IIB POLICY WHERE AN OBVIOUSLY BROAD UNPATENTABLE INDIVIDUAL CLAIM IS USED TO FUNCTION AS A GENERIC CLAIM TO LINK SEVERAL PATENTABLY DISTINCT SPECIES? CAN ADDITIONAL FEES BE CHARGED AT THE SEARCHING LEVEL FOR THE VARIOUS PATENTABLY DISTINCT SPECIES?

5. AS THE FOREGOING INFORMATION IS URGENTLY REQUESTED
AN EARLY REPLY WOULD BE APPRECIATED. RUSH

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL ORGANIZATIONS, INTERGOVERNMENTAL COOPERATION, INVENTIONS, PATENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 FEB 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE036794
Document Source: CORE
Document Unique ID: 00
Drafter: JB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740213/aaaaamaa.tel
Line Count: 77
Locator: TEXT ON-LINE
Office: ORIGIN COME
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 04 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 MAR 2002 by elbezefj>; APPROVED <03 DEC 2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTERNATIONAL PATENT INSTITUTE, REQUEST FOR INFORMATION.
TAGS: EIND, NL
To: THE HAGUE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005